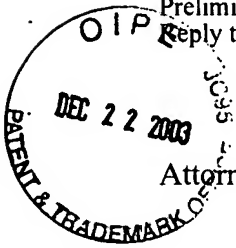


Application No. 10/040,224  
Preliminary Amendment dated December 19, 2003  
Reply to Office Action of September 29, 2003



Attorney's Docket No.: 42390P11353

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:

Ebrahim Andideh

U.S. Serial No: 10/040,224

Filed: January 2, 2002

For: METHOD TO AVOID VIA POISONING  
IN DUAL DAMASCENE PROCESS

Mail Stop RCE

Commissioner for Patents

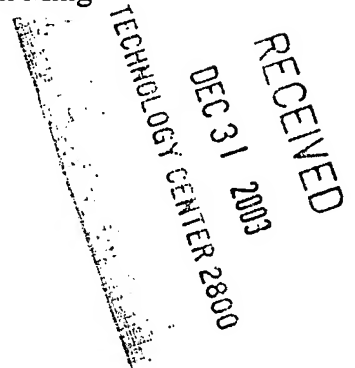
P.O. Box 1450

Alexandria, VA 22313-1450

Conf. No.: 2917

Examiner: Lee, Hsien Ming

Art Unit: 2823



**PRELIMINARY AMENDMENT**

In response to the Final Office Action mailed September 29, 2003 and the Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 filed concurrently herewith, Applicant respectfully requests the Examiner to enter this preliminary amendment and consider the remarks prior to examination of the above referenced case.

**FIRST CLASS CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on December 19, 2003  
Date of Deposit

Claire Wallters  
Name of Person Mailing Correspondence

Claire Wallters  
Signature

12/19/2003  
Date



RCE/2800  
\$

## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Application No. 10/040,224  
Filing Date January 2, 2002  
First Named Inventor Ebrahim Andideh  
Art Unit 2823  
Examiner Name Lee, Hsien Ming  
Attorney Docket No. 42390P11353

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** – Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Preliminary Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by C.F.R. § 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. \_\_\_\_\_
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Processing fee under 37 CFR § 1.17(i) for Limited Suspension of Action
- iv. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 770.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type) Heather M. Molleur Registration No. (Attorney/Agent) 50,432  
Signature Heather M. Molleur Date 12/19/2003

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print/Type) Claire Walters  
Signature Claire Walters Date 12/19/2003

Express Mail No. (only if applicable): \_\_\_\_\_

12/23/2003 SZEWDIE1 00000134 10040224

01 FC:1801

770.00 OP

**FEE TRANSMITTAL FOR FY 2004**

(FY 2004 Begins 10/01/2003)

**TOTAL AMOUNT OF PAYMENT (\$)** 770.00

Complete if Known  
Application No. 10/040,224  
Filing Date January 2, 2002  
First Named Inventor Ebrahim Andideh  
Examiner Name Lee, Hsien Ming  
Art Unit 2823  
Attorney Docket No. 42390P11353

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\_\_\_\_ Applicant claims small entity status. See 37 CFR 1.27.

**METHOD OF PAYMENT (check all that apply)**

- ☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
- ☒ Deposit Account  
Deposit Account Number : 02-2666  
Deposit Account Name: \_\_\_\_\_
- ☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:  
☒ Charge fee(s) indicated below.  
☒ Credit any overpayments.  
☒ Charge any additional fees during the pendency of this application.  
☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.  
\_\_\_\_ Charge fee(s) indicated below except for the filing fee.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
1001	7702001	385		Utility application filing fee	_____
1002	3402002	170		Design application filing fee	_____
1003	5302003	265		Plant filing fee	_____
1004	7702004	385		Reissue filing fee	_____
1005	1602005	80		Provisional application filing fee	_____
SUBTOTAL (1)					\$ <u>0</u>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

				Extra Claims	Fee from below	Fee Paid
Total Claims				<u>18</u>	<u>- 30** = 0</u>	<u>X</u>
Independent Claims				<u>2</u>	<u>- 3** = 0</u>	<u>X</u>
Multiple Dependent						
**Or number previously paid, if greater; For Reissues, see below.						
Large Entity		Small Entity		Fee Description	Fee from below	Fee Paid
Code	Fee (\$)	Code	Fee (\$)			
1202	182202	9		Claims in excess of 20		
1201	862201	43		Independent claims in excess of 3		
1203	2902203	145		Multiple dependent claim, if not paid		
1204	862204	43		**Reissue independent claims over original patent		
1205	182205	9		**Reissue claims in excess of 20 and over original patent		
SUBTOTAL (2)					\$ <u>0</u>	

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fee Paid</u>
<u>Code</u>	<u>Fee (\$)</u>	<u>Code</u>	<u>Fee (\$)</u>		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1813	8,800	1813	8,800	Request for inter parties reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814	110	2814	55	Statutory Disclaimer	
1810	770	2810	385	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	770.00
1802	900	1802	900	Request for expedited examination of a design application	
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	1505	300	Publication fee for republication	
1803	130	1803	130	Request for voluntary publication or republication	
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454	1,330	1454	1,330	Acceptance of unintentionally delayed claim for priority	

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (3) \$ 770.00**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name: Heather M. MolleurSignature: Heather M. Molleur Date: 12/19/2003Reg. Number: 50,432 Telephone Number: (408) 720-8300

**AMENDMENT TRANSMITTAL****PATENT**

Application No. 10/040,224  
Filing Date: January 2, 2002  
First Named Inventor Ebrahim Andideh  
Examiner's Name: Lee, Hsien Ming  
Art Unit: 2823  
Attorney Docket No.: 42390P11353

An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.

- ☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.  
☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.  
☐ Applicant(s) claim small entity status (37 CFR 1.27).

**ATTACHMENTS**

- ☒ Preliminary Amendment  
☐ Amendment/Response with respect to Office Action  
☐ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)  
☐ Notice of Appeal  
☒ RCE (Request for Continued Examination)  
☐ Supplemental Declaration  
☐ Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)  
☐ Information Disclosure Statement (IDS)  
☐ Copies of IDS citations  
☐ Petition for Extension of Time  
☒ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)  
☐ Cross-Reference to Related Application(s)  
☐ Certified Copy of Priority Document  
☐ Other: \_\_\_\_\_  
☐ Other: \_\_\_\_\_  
☒ Check(s)  
☒ Postcard (Return Receipt)

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**SUBMITTED BY:**

BLAKELY SOKOLOFF TAYLOR &amp; ZAFMAN LLP

TYPED OR PRINTED NAME: Heather M. MolleurREG. NO.: 50,432SIGNATURE: Heather M. MolleurDATE: 12/19/2003ADDRESS: 12400 Wilshire Boulevard, Seventh FloorLos Angeles, California 90025TELEPHONE NO.: (408) 720-8300**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)**

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Date of Deposit

Claire Wallters

Name of Person Mailing Correspondence

Claire Wallters

Signature

12/19/2003

Date

Express Mail Label No. (if applicable): \_\_\_\_\_